

GREENVILLE POLICE DEPARTMENT POLICY AND PROCEDURES

Chapter 26	Disciplinary Procedures and Internal Investigations	
Date Initially Effective: 10/25/1994	By the Order Of: <p style="text-align: right;">Mark Holtzman, Chief of Police</p>	
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The Greenville Police Department exists because the community, through government, empowers the police department considerable authority to act on their behalf in the effort to create a living environment that is as free of crime, the fear of crime, discrimination, drug abuse, violence, and disorder as possible. The police department and its employees are tasked to function effectively, partly through personal endeavors and commitment to the profession, but primarily because the community has faith and confidence in our ability to accomplish the task of enforcing the laws of the land and responding to community concerns in an honest and impartial manner. Although in almost all encounters with the public, police officers and non-sworn employees use this authority appropriately, there are times when citizens have legitimate questions about the actions or lack of actions taken by an employee of the Police Department.

The citizens of Greenville are entitled to expect:

- A police department that is beyond reproach in matters of integrity,
- Impartial and courteous services,
- Open and honest communication that encourages trust, and
- Responsible and accountable management of police department resources.

It is essential to have a system of discipline in place that contributes to minimizing abuse of authority and promotes the Department's reputation for professionalism. The policy of the department is to ensure that all employees maintain an exemplary standard of personal integrity and ethical conduct in their relationship with other employees and the community.

26.1.1 CODE OF CONDUCT AND APPEARANCE

CALEA Standard: 26.1.1 (Code of Conduct)

Discipline Philosophy

The most effective disciplinary system is one that combines the reinforcement of the right set of values in all employees with behavioral standards that are established in clear policies, procedures and rules that are fairly applied. All employees of the Greenville Police Department are expected to conduct themselves, both on-duty and in their personal lives, in a manner that conveys respect, honesty, integrity, and dedication to service.

The Chief of Police shall have the discretion to adjudicate at a higher level of action, any sum of minor violations occurring in the same course of conduct.

When an employee is on disciplinary probation status, any additional violation of the same type that resulted in the probationary status may result in termination. Employees on disciplinary probation status are not eligible for promotions, awards, educational assistance, or step or merit salary increases.

Violations will apply only to internal administrative actions and will not preclude any criminal actions that might be instituted against an employee.

The Chief of Police has the final departmental disciplinary authority and responsibility. Grievance of disciplinary action resulting in demotion, suspension without pay or dismissal is made available through the rules of the City of Greenville Personnel Policies.

The City of Greenville establishes a basis for disciplinary action within the personnel policies. Offenses constituting grounds for disciplinary action shall include, but not be limited to the following major categories:

- *Unsatisfactory Job Performance* - Work-related performance that fails to satisfactorily meet job requirements as set out in the relevant job description, work plan, or as directed by the department head or his/her designee is deemed unsatisfactory job performance.
- *Detrimental Personal Conduct* – Detrimental personal conduct includes, but is not limited to, behavior of such a serious detrimental nature that the functioning of the City may be or has been impaired; the safety of persons or property may be or has been threatened; or the laws of the federal, state, or local government may be or have been violated. Detrimental personal conduct is intentional behavior, rather than inadvertent or negligent behavior.
- *Negligence in the Performance of Duties* - Failure to satisfactorily perform job requirements as set out in the job description, work plan, or as directed by supervision; and, the act or failure to act causes, may cause, or results in:
 - a. death or bodily injury or creates conditions that increase the chance for death or bodily injury to an employee(s), to members of the public, or to a person(s) for whom the employee has responsibility; or
 - b. the loss of or damage to City property or funds that results in an adverse impact to the operations of the City and/or the employee's work unit.

The Greenville Police Department shall maintain a uniform disciplinary system as a process to develop employee performance and gain employee compliance with Department policies and procedures through positive and constructive methods. The Greenville Police Department disciplinary system shall include procedures and criteria for:

- Rewarding employees for exemplary behavior
- Using counseling as a function for discipline
- Using training as a function for discipline
- Taking punitive actions as a function of discipline to include:
 1. Written reprimands
 2. Mandatory reassignments
 3. Suspension
 4. Demotion
 5. Dismissal

The Greenville Police Department Code of Conduct and Appearance provides for employee compliance with the directives, policies, and procedures of the Greenville Police Department and the City of Greenville as they relate to employee conduct, professionalism, and service to the community. Employees shall obey the Code of Conduct, policies, and directives and be accountable for any violations. All failures in conduct or appearance not specifically addressed in the Code of Conduct and Appearance shall be referenced to the closest related section for adjudication.

Class I Violations

<u>Violation</u>	<u>Recommended Disciplinary Action</u>
First violation	Written reprimand and/or counseling on appropriate future action
Second violation	Written reprimand and/or remedial training
Third violation	1-5-day suspension plus 6 months disciplinary probation status

Fourth violation Dismissal or demotion and/or 6-15-day suspension plus 12 months disciplinary probation status

Class I Rules

1. Safety Rules
Neglect or carelessness in observance of, or failure to observe, Departmental safety rules or disregard of common safety practices is prohibited.
2. Unexcused Tardiness/Early Departure
Failure to appear for duty at the scheduled time resulting in an unexcused tardiness is prohibited. Stopping work or leaving work without specific authority before any official break in work, or quitting time, whichever prevails, is prohibited.
3. Unexpected Absence
Failure to notify the on-duty supervisor or supervisor coordinating a special event of an unexpected absence prior to the beginning of the scheduled work shift is prohibited.
4. Unsanitary or Unsafe Conditions and Appearances
Creating or contributing to unsanitary or unsafe conditions or appearances as a result of poor personal hygiene, soiled uniforms or clothing, or poor housekeeping in the work area, including police vehicles, is prohibited.
5. Telephone
Habitual and/or excessive personal use of the City telephone, City cell phone, personal cell phone, mobile device and/or internet service while on duty is prohibited.
6. Courtesy/Professional Demeanor
Employees shall exercise proper courtesy when dealing with the public or other employees and be tactful in the performance of their duties. They shall exercise patience and discretion and shall not engage in argumentative discussions in the face of provocation. Employees shall not use abusive or derogatory language in the performance of their duties, or while on duty or in uniform, or when representing the Department, nor express any prejudice concerning race, gender, religion, politics, national origin, lifestyle, physical appearance, or any similar characteristics.
7. Personnel Identification
Employees, sworn and civilian, shall furnish their name, any applicable badge or identification number, and their assignment to any person requesting such information regarding matters in which the employee was acting in an official capacity. Names of employees will be given in sufficient form to fully identify the employee. The only exception is if the release of the information would jeopardize a covert operation.
8. Criticism
Employees, while in public or in the presence of other employees, shall not criticize instructions or orders they have received. This does not prohibit employees from providing constructive feedback to their supervisor nor does it prohibit an employee from requesting clarification or an explanation from another employee or their supervisor with respect to an assignment.
9. Gossip/Rumors
Employees are prohibited from participating or spreading potentially destructive or malicious gossip or rumors concerning any employee, supervisor, the Greenville Police Department, the City, or its operation.

10. Address and Telephone Number

All employees are required to provide an accurate, physical address in the Department directory. Employees shall maintain at all times an operable and monitored phone number in the Department directory. Employees shall immediately notify the Chief's office upon any change of their current physical address and/or phone number.

11. Completion of Assigned Duties

Employees shall promptly and accurately complete all assigned duties, reports, records and forms as required before leaving the employee's tour of duty, unless excused by the immediate supervisor.

12. Gifts, Gratuities

No official or employee of the City shall accept any gift (whether in the form of service, loan, thing, or promise) from any person who, to the employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the City.

No official or employee shall accept any gift, favor, or thing of value that may tend to influence that employee in the discharge of duties. Furthermore, no official or employee shall grant in the discharge of duties, any improper favor, service, or thing of value.

No employee will display their badge or credentials or otherwise identify themselves as a Greenville Police Officer or Greenville Police Department employee for the purpose of obtaining gratuities or discounts regardless of the business's willingness to provide such benefits.

13. Court

Absence from any scheduled or required court date is prohibited. Failure to honor any reasonable request from the District Attorney's Office for court preparation is prohibited.

14. Off-Duty Conduct

When off-duty, sworn employees shall not use the authority of their position to resolve disputes or make an arrest for personal reason or gain. Employees are prohibited from using their badge or any other law enforcement equipment to resolve personal disputes in any manner.

Off-duty law enforcement personnel shall be expected to use professional discretion in the enforcement of violations when such violations are minor.

Employees shall report any personal involvement in civil matters, minor infractions, or misdemeanors not involving personal injury or property damage, to their supervisor immediately upon the employee's return to work. All incidents of a more serious nature are to be reported immediately.

15. City Property

The loss or damage of City property or equipment due to carelessness/negligence is prohibited.

16. Personal Equipment

Use or possession of another employee's personal or city owned working equipment without the employee's or employee's supervisor's consent is prohibited.

17. Vehicle Operation

Employees shall not operate City vehicles in violation of any infraction of the Chapter 20 Motor Vehicle Laws except as provided by Department policy and procedures.

Class II Violations

<u>Violation</u>	<u>Recommended Disciplinary Action</u>
First violation	Written Reprimand and/or remedial training
Second violation	1-5-day suspension plus 6 months disciplinary probation status
Third violation	Dismissal or 6-15-day suspension plus 12 months disciplinary probation status. Demotion may also be considered.

Class II Rules

1. Improper Use of Radio
Employees shall not participate in unprofessional dialogue when using the police radio.
2. Personal Injury or Equipment Damage
Employees must report all instances of personal injury on the job or damage to City equipment to their supervisor as soon as reasonably feasible after its occurrence. Vehicle collisions shall be reported immediately as required by 61.2.3.
3. Notices or Solicitation
Employees shall not post or distribute business notices, solicitations for work or political material in City facilities or on City property without permission from the Department head. Employees shall not remove any signs or notices on City property without prior approval or unless under direct order.

Personal advertisements can be posted in-house with permission from the Deputy Chief.

While in the performance of their duties at department sponsored events, employees have a duty to ensure that no notices, solicitations, or political material are removed from or posted in City facilities or on City property.
4. Conducting or Performing Private Business
The work of the City shall have precedence over the other occupational interests of employees. No employee shall conduct or perform private commercial business activity, and/or work while on duty.
5. Secondary Employment and Extra-duty Employment (Off-Duty)
No employee shall engage in off-duty or extra-duty employment unless authorized by the Chief of Police or the Chief's designee.
6. Scheduled Overtime and Emergency Callback
Failure to report to scheduled overtime work or to an emergency callback without good reason, as determined by the Chief of Police, is prohibited.
7. Removing Keys from City Vehicles
Failure to remove keys from unsecured City vehicles is prohibited.
8. Abuse of City Property
The abuse or negligent operation of City property or equipment, or the property of others, is prohibited.
9. Valid Operator's Permit
Operating any motor vehicle without a valid operator's permit is prohibited.

10. Neglect of Duty

Employees shall devote their on-duty time and efforts to the performance of their official or assigned duties. Employees shall report to work mentally and physically fit to perform their duties and will cooperate with and assist other members of the Department in their Departmental work. Employees shall maintain a working knowledge of laws, regulations, ordinances and written directives/policies which pertain to their assigned position.

11. Association with Known Offenders

Employees shall avoid associating with, or conducting business with, persons whom they know, or should know, to be racketeers, sexual offenders, professional gamblers, suspected felons, persons under criminal investigation or indictment, or who have a reputation in the community for present involvement in felonious or criminal behavior, except as necessary in the performance of official duties or where unavoidable because that individual is a close relative of the employee.

12. Firearms While Drinking

Employees are prohibited from carrying firearms when drinking alcoholic beverages

13. Transporting Passenger in City Vehicles

Employees shall not transport any unauthorized passengers in City vehicles except with the approval of a supervisor.

14. Poor Judgment

By failing to exercise appropriate judgment during the performance of a duty

15. Vehicle Operation

Employees shall not operate City vehicles in violation of any misdemeanor of the Chapter 20 Motor Vehicle Laws except as provided by Department policy and procedures.

16. Failure to activate camera system

Any failure to appropriately activate body-worn or motor vehicle camera systems as required; and/or failing to record continuously throughout the duration of the interaction or call for service; and/or any other failure to comply with policy regarding the operation of departmental camera systems.

Class III Violations

<u>Violation</u>	<u>Recommended Disciplinary Action</u>
First violation	1-5-day suspension or mandatory enrollment in the Employee Assistance Program where appropriate and 6-12 months disciplinary probation status; demotion may also be considered
Second violation	Dismissal or Demotion and/or 6-15-day suspension plus 12 months disciplinary probation status

Class III Rules1. Sleeping on Duty

Employees shall remain awake at all times while on duty. If unable to do so, they shall report to their supervisor and shall provide appropriate justification.

2. Intoxicants

A. Employees shall not at any time accept or purchase any type of alcoholic beverage while in uniform (while on or off-duty)

B. No employee, while on-duty, shall store or have in their possession, bring into any police facility, or carry in any City vehicle any alcoholic beverages; except that which is seized as contraband or evidence and is maintained according to established Department policies and procedures.

C. Employees that are under a physician's care and have been prescribed a narcotic or any other medication that may cause impairment, must disclose the use of the narcotic/medication to their supervisor upon their return to work. Employees using any medication that could influence their performance shall report such use to their immediate supervisor upon reporting for duty.

3. Use of City Property, Vehicles, Equipment, Employees

Unauthorized use of City property, vehicles, equipment or other City employees for private work or improper authorization by a supervisor of the same is prohibited.

4. Threatening Other Employees and Members of the General Public

Employees shall not threaten, intimidate, coerce, or harass (sexually or otherwise) any other employee or member of the public.

5. Gambling

Employees shall not engage in, or participate in any form of, illegal gambling at any time.

6. Fighting

Verbal or physical altercations involving employees while on duty is prohibited.

7. Misuse or Removal of Confidential Information

Misuse, removal, or gaining unauthorized access to information such as blueprints, lists, City records, computer data, or confidential information of any nature without prior approval from the appropriate authority is prohibited.

8. Use of Employee Identification

Employees shall not permit another person to use one's employee identification card, nor shall they use another employee's ID card or alter any employee card.

9. Abuse of Radio

Abuse or misuse of radio equipment in violation of any federal law is prohibited.

10. Media Statements

Making any unauthorized statement concerning the Greenville Police Department, the City of Greenville, or any of its employees to any member of the media is prohibited.

11. Report of Arrest

Employees shall immediately report in writing to their supervisor all instances which they are arrested or otherwise charged with a misdemeanor or felony. The employee must submit a letter stating the case disposition to their supervisor within five days of its adjudication.

12. Excessive Force

The use of excessive force against any person is prohibited.

13. Unlawful Orders

No supervisor shall knowingly issue an order that, if carried out, would be a violation of law or contrary to Department policy.

- 14. Solicitation of Gifts
Employees shall not solicit for personal gain from any business, person, or organization any gift including food, beverage, or entertainment.
- 15. Unauthorized Equipment
No employee shall use any unauthorized equipment while on duty.
- 16. Reckless Driving
Employees shall not operate City vehicles in a manner that would be considered dangerous or reckless and in violation of policy.
- 17. Alcohol Use While Off-Duty
Employees while off-duty shall not consume intoxicating beverages in public to such an extent that it would reflect discredit upon themselves or the Greenville Police Department
- 18. Misconduct
Any activity, behavior, or action of an employee, either in an official capacity or unconnected to official duties, that tends to bring the Department into public discredit, or which tends to have an adverse effect on the employee’s ability to perform duties efficiently and effectively is prohibited.

Class IV Violations

<u>Violation</u>	<u>Recommended Disciplinary Action</u>
First Violation	6-15-day suspension plus 12 months disciplinary probation status, demotion, and up to dismissal.
Second Violation	Dismissal

Class IV Rules

- 1. Making False Statements, Ridiculing
Making or publishing false, vicious, or malicious statements concerning any employee, supervisor, the Greenville Police Department, the City, or its operation is prohibited.
- 2. Intoxicants or Drugs
No employee shall report for work under the influence of intoxicants or intoxicating drugs to any degree whatsoever or with an odor of intoxicants on their breath. Any employee found to be under the influence of alcohol or drugs while on duty shall immediately be relieved from duty.

No employee, while on duty, shall store or have in their possession, or bring into any police facility, or carry in any City vehicle, any marijuana, controlled substances, narcotics or hallucinogens, except that which is seized as contraband or evidence and is maintained according to established Department policies and procedures, or authorized by a physician’s or dentist’s prescription.
- 3. Communicable Disease
Employees shall not knowingly withhold information from their supervisor that they harbor a communicable disease that may endanger other persons, or otherwise fail to use all prescribed safety equipment/practices to avoid endangering others.
- 4. Confidential Information
Employees shall treat the official business of the Greenville Police Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended. No

employee shall communicate to any person or to any other employee not authorized to receive it any information concerning any proposed police action, any order or regulation for the government of the Department, or any other information concerning operations or activities of a confidential nature.

5. Unauthorized Weapon

No employee shall carry or use any unauthorized weapons while on duty.

6. Mishandling Funds

Mishandling funds resulting in financial loss to the Department due to negligence is prohibited.

7. Gross Misuse of City Internet System

No employee shall access internet sites containing pornography, gambling, or other inappropriate material using City equipment for non-law enforcement purposes. City equipment and internet services may be used to access such above – described internet sites only for official law enforcement purposes, and only with the expressed authorization from the appropriate Division or Bureau Commander or the Chief of Police.

8. Neglect of City property

Wanton or willful neglect in the care, use, or custody of City property is prohibited.

9. Gross Poor Judgment

By failing to exercise appropriate judgment which resulted in potentially serious civil liability to the Department.

10. Conduct Unbecoming an Employee of the Greenville Police Department

Any activity, behavior, or action of an employee that has the obvious potential to adversely affect, lower, or destroy public respect or confidence in the Department; brings the Department or any Department component or employee into disrepute; brings discredit upon the employee; adversely affects or impairs the operation, efficiency, or morale of the Department; adversely affects the working performance of the employee; or is a gross violation of the law enforcement code of ethics or the civilian law enforcement professionals code of ethics.

11. Disclosure/Hinder Administrative Investigation

Knowingly and willfully failing to disclose all information in an administrative investigation is prohibited.

Class V Violations

<u>Violation</u>	<u>Recommended Disciplinary Action</u>
First Violation	Subject to Immediate Dismissal

Class V Rules

1. False Information for Employment

Employees shall not give false information or withhold pertinent information called for in completing an application for employment, promotion, reassignment, or other personnel records, or in testimony related to such records.

2. Altering Employee's Time

Employees shall not alter or falsify one's own time record or another employee's time record, make false claims or misrepresentation in an attempt to obtain sickness or accident benefits or worker's compensation.

3. Falsifying Testimony or Records

Falsifying testimony or falsifying or assisting in falsifying any Department report or record or court document is prohibited.

4. Refusal to Give Testimony or Other Required Cooperation

Employees shall not refuse to give testimony, give or prepare a statement, submit to a polygraph examination, or otherwise refuse to cooperate as ordered during administrative investigations. At no time, shall compelled testimonial evidence be used in a criminal prosecution against the employee giving the testimony.

5. Theft of Property

Theft of any property, including money, of the City or others is prohibited.

6. Intoxicants or Drugs

Employees shall not consume or use intoxicating beverages or illegal drugs while in uniform or on duty except in the performance of duty and while acting under proper and specific orders from a superior officer authorized by the Chief of Police.

Employees shall not at any time use, possess, distribute or sell marijuana, amphetamines, barbiturates, hallucinogens, or any other narcotic or substance listed in the North Carolina Controlled Substance Act, or any other prescription medicine except when prescribed for medical treatment by a physician or dentist. An exception applies when specifically authorized by the Chief of Police as essential to the effective conduct of an undercover investigation.

Employees shall not possess controlled substances without a valid prescription except in the course of official investigations, K-9 training, drug training or other activities approved by the Chief of Police.

7. Unauthorized Lethal Weapons

Employees shall not carry, possess, or use unauthorized firearms, explosives, or any other unauthorized lethal weapons while on duty.

8. Insubordination

The refusal of an employee to promptly obey any lawful order, written or verbal, from a ranking officer or supervisor is prohibited.

9. Unlawful or Offensive Conduct

Engaging in unlawful or offensive conduct, on or off the job that could adversely affect the professional reputation of the Police Department or the City of Greenville is prohibited.

10. Driving While Impaired

Operating a City vehicle or equipment while under the influence of intoxicants or other self-administered drugs is prohibited.

11. Excessive Force – Serious Injury or Death

Any use of excessive force that results in serious injury, permanent disability or death is prohibited.

12. Destruction of City Property

Deliberate destruction of City property or equipment, or the property of others in any manner except as prescribed by law, is prohibited.

13. Unexcused Absence

Unexcused absence from work for three consecutive days without contacting the supervisor is prohibited.

14. Bribes

Employees shall neither solicit nor accept from any person, business or organization any money, service or personal property that is either intended to induce or influence official duty performance, or is reasonably implied or expected to influence official duty performance by corruption of conduct.

15. Untruthfulness

Knowingly and willfully being untruthful in order to conceal or mislead the course of any criminal or administrative investigation is prohibited.

16. Cheating

Knowingly and willfully cheating on any examination is prohibited.

17. Gross Negligence

Gross negligence in the performance of one's duties, or the failure to perform a duty vital to the protection of life or property is prohibited.

Intra-Department Relationships

To avoid any conflict of interest or appearance thereof, the Greenville Police Department follows the City of Greenville Personnel Policies concerning nepotism and personal relationships. For the purposes of this policy, personal or familial relationships include anyone related by marriage, domestic partnership, membership in the same household, persons with whom an employee has a personal relationship or individuals related by blood; including, but not limited to: spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren, aunt, uncle, niece, nephew, various combinations of half, step, in-law, and adopted family members.

Members of an immediate household, personal or familial relationship as described above shall not be employed at the same time or placed in a position if such employment or position could result in the following:

- An employee directly or indirectly supervising a member of the immediate family
- An employee occupying a position which has influence over the family member's employment, promotion, or salary administration
- Operational conflicts within the division or department; or
- Any adverse management or personnel considerations

The Greenville Police Department neither promotes nor discourages personal, platonic or familial relationships involving its employees. However, at no time will such relationships create a conflict of interest or the appearance of conflict of interest; including but not limited to unprofessional relationships. Relationships are unprofessional, whether pursued on or off duty, when they detract from the authority of superiors or result in or give the appearance of favoritism, misuse of office or position, or the abandonment of organizational goals for personal interest.

Employees with family members who are also employed by the Department, or who engage in a personal relationship with another employee must adhere to the following guidelines:

- If both are assigned to the Field Operations Bureau they shall not be assigned to the same shift. They may if resources allow, be assigned to the same rotation.

- Employees of rank shall not be assigned in a unit or division where the ranking employee directly or indirectly supervises a family member or employee with whom they have a personal relationship.
- Employees engaged in a personal relationship that creates a conflict of interest or adversely impacts efficiency or effectiveness in the workplace, or creates an intimidating, hostile or offensive work environment, either or both employees may be reassigned to another position for which they are qualified and or be subject to disciplinary action.
- Employees shall not approve promotions, disciplinary actions, or other employment related decisions for a relative or employee with whom they have a personal relationship.

If a personal relationship should develop between a supervisor and a subordinate, then the supervisor shall promptly disclose the existence of the relationship through the chain of command. The subordinate may also disclose the relationship; however, the burden of disclosure is on the supervisor. The supervisor must withdraw from participation in any decisions that involve the subordinate. The supervisor or the subordinate shall be reassigned.

If a personal relationship should develop between non-supervisory personnel who are assigned to the same shift, unit, or division both employees shall notify their supervisor of the relationship.

Failure to comply with this policy can result in disciplinary action up to and including termination.

Social Networking

For the purposes of this policy, a social networking site is defined as a web-based service that allows individuals to create groups that share common interests, or affiliations, upload files including pictures, music, or videos, hold discussions in forums, and/or host blogs, or post ideas, thoughts, comments, and philosophies.

Greenville Police Department employees are authorized to access social networking sites for legitimate, investigative purposes from City computers as authorized by the City's Computer Use and Privacy Policy. If the site is being used to conduct undercover operations the site should not include any information that would connect the Greenville Police Department or its' employees to the site.

Although employees have the right to use personal social networking sites, employees shall not identify themselves directly or indirectly as an employee of the City of Greenville or the Greenville Police Department employee. Employees are prohibited from accessing personal networking sites while on duty. Employees should remember that information posted on these sites is not private and that conduct or commentary which could adversely affect the employee or the reputation of the Greenville Police Department is prohibited.

Employees shall not post or authorize to be posted any photographs or depictions of Department uniforms, badges, patches, marked or unmarked Department vehicles, or any other item which is identifiable as property of the Greenville Police Department. Dissemination of any official, work-related information on a personal networking site is prohibited.

Employees are prohibited from posting, broadcasting, or otherwise disseminating any sexual, violent, racial, ethnically derogatory material or any other type material that is designed to intimidate, humiliate, denigrate, offend, insult, antagonize or provoke intentionally any other person.

Violation of this policy is Class 1 as covered under 26.1.2 Code of Conduct and Appearance.

Voicemail and Email

The City provides all employees with a voicemail and an email account. In order to ensure the best possible service and communication between members of the public, between coworkers, and to prevent excessive build-up of either the voicemail or email account, all employees shall check both accounts at least once daily during the employee's scheduled work shift. Emails and phone messages should be addressed in a timely manner.

26.1.2 AWARD SYSTEM

CALEA Standard: 26.1.2 (Employee Awards)

The Greenville Police Department disciplinary system identifies measures to be applied toward employee conduct in the interests of good discipline and service. Supervisors and other employees may make recommendations under the following circumstances:

- Recommendation to the Bureau Commander for a Letter of Commendation or other appropriate reward or recognition following instances of exemplary behavior or action.
- Nomination for an award under the Police Awards Program following instances of exemplary behavior or action.

Police Officer First Class

The Greenville Police Department recognizes police officers for their continuous service with the Department and educational achievements. Accordingly, the following criteria will be designated for "Police Officer First Class".

- Three (3) years of continuous police service with the Greenville Police Department;
- At least a "Meets Expectations" performance evaluation rating;
- Completion of CIT, and;
- Completion of at least three (3) of the following core classes:
 - Radar Certification
 - Intoxilyzer Certification
 - Standardized Field Sobriety Tests
 - Interview/Interrogation
 - Basic Crime Scene Investigation
 - Basic Investigator's School
 - Officer Safety Readiness Training (40- hour minimum)
 - Drug Enforcement for Police Officers

The insignia for this position shall be one stripe worn on each uniform shirt and jacket sleeve. This designation is recognition and is not a promotion.

Officers who are qualified to receive the designation of Police Officer First Class should submit the request in writing to their Sergeant and provide corresponding documentation showing the required criteria. Upon confirmation that the minimum qualifications have been met, the Sergeant will forward the request through the Chain of Command for approval. Each Bureau Commander shall be responsible for reviewing the request and forwarding request to the Chief of Police for final approval.

Sworn Personnel Service Awards

The Greenville Police Department shall recognize sworn personnel for their service longevity with the Greenville Police Department. This recognition shall be through the issuance of a commendation bar to sworn personnel, which will be displayed on their uniform.

All sworn personnel will be issued a commendation bar reflecting their years of service to be worn on their uniforms. The commendation bar will be issued for service in five (5) year increments as follows:

- | | |
|-------------------------------------|-------------------------------------------------------|
| • Five (5) Years of Service | Yellow and Blue Service Bar |
| • Ten (10) Years of Service | Yellow and Blue Service Bar with One (1) Gold Star |
| • Fifteen (15) Years of Service | Yellow and Blue Service Bar with Two (2) Gold Stars |
| • Twenty (20) Years of Service | Yellow and Blue Service Bar with Three (3) Gold Stars |
| • Twenty-Five (25) Years of Service | Green Service Bar with Five (5) Gold Stars |
| • Thirty (30) Years of Service | At the Discretion of the Chief of Police |

Each sworn officer will be issued the appropriate service bar during the quarterly service recognition ceremony subsequent to reaching the years of service threshold.

Police Awards Program

The Greenville Police Department shall recognize outstanding performance of employees and citizens who have made a substantial personal contribution to the Department and Community. This includes any other Law Enforcement Officer or agency working with this Department.

Nomination Procedure

Nominations for awards shall be submitted in writing to the Office of the Chief of Police.

Nominations should include:

- Detailed account of event
 - Corroborating statements concerning events
 - Photographs, if available
 - Any other related factors affecting nomination
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- Recommendation to the Bureau Commander for a Letter of Commendation or other appropriate reward or recognition following instances of exemplary behavior or action.
 - Nomination for an award under the Police Awards Program following instances of exemplary behavior or action.

Awards Selection

The selection process can either be completed by the awards committee, or at the discretion of the Chief of Police.

The Awards Committee shall meet, if convened by the Chief of Police, to review nominations and make recommendations. The Awards Committee Chairperson shall be appointed by the Chief of Police. The Chairperson of the Awards Committee and members shall not serve more than two (2) consecutive years in that capacity.

In addition to the Chairperson, the Committee shall be comprised of the following members selected by the Chairperson:

- One (1) Lieutenant
- One (1) Sergeant or One Corporal
- One (1) Patrol Officer or Detective
- One (1) Civilian Employee

Award Categories

MEDAL OF HONOR

Awarded to a member who intelligently, and in the line of police duty, outstandingly distinguishes themselves by the performance of an act of gallantry and intrepidity at imminent personal hazard of life with knowledge of the risk above and beyond the call of duty.

POLICE CROSS

Awarded for the successful performance of an act of extraordinary heroism while in personal combat with an armed adversary at imminent personal hazard of life in the intelligent performance of duty.

MEDAL OF VALOR

Awarded for an act of outstanding bravery, intelligently performed in the line of duty at imminent personal hazard of life under circumstances exhibiting a disregard of personal consequences.

LEGION OF HONOR

Awarded for felonious injury or death in the line of duty.

POLICE MEDAL

Awarded for an act involving grave personal danger in the intelligent performance of duty.

MERITORIOUS POLICE DUTY

Awarded for intelligent and valuable police service demonstrating special faithfulness, attention to duty, and perseverance over an extended period of time.

EXCELLENT POLICE DUTY

Awarded for an intelligent act materially contributing to a valuable police accomplishment or for submission of a device or method adopted by the Department to increase the efficiency in administrative or tactical procedure.

OUTSTANDING POLICE PERFORMANCE

Awarded to employees of this Department or employees of any other law enforcement agency when a letter of commendation is not sufficient.

HONORABLE SERVICE

Awarded to employees of this Department upon their retirement or death prior to retirement, not in the line of duty.

CITIZEN CERTIFICATE OF APPRECIATION

Awarded to citizens who either rendered help to a police officer or provided significant assistance in solving a case.

Any other awards as deemed appropriate by the Chief of Police.

Awards Presentation

Distribution of awards will be completed at the discretion of the Chief of Police or his designee.

Placement of Medals

Employees may be recognized through award medals, years of service commendation bar, or due to a specialized position or training. Therefore, in order to maintain consistency in the placement of departmental approved medals on uniforms, employees who choose to wear their award medals and recognition medals shall do so in increments of two directly above the name tag. The medals shall be worn on the uniform starting at the top and from left to right in the following order; Award Medals, Advanced Certificate Medal, Years of Service Commendation bar, Instructor pin, FTO pin, ERT pin, Traffic pin, Honor Guard pin, Bike pin, and the military branch pin of their choice (Navy, Army, Air Force, Marines, Coast Guard) and the American Flag. Other pins that cannot be altered to fit the rail system or other uniformed system such as the round CIT pin, S.P.I., ERT Operator pin, and the F.B.I. pins may be worn above all other pins.

26.1.3 HARASSMENT IN THE WORKPLACE

CALEA Standard: 26.1.3 (Harassment)

The Greenville Police Department is committed to providing a work environment that is free from all types of harassment, including sexual harassment. This policy establishes guidelines and responsibilities for addressing complaints and incidents of harassment and sexual harassment.

Definitions

Harassment: Includes, but is not limited to, unwelcome conduct -- whether verbal, physical, or visual that is based upon a person's protected status, such as sex, sexual preference, color, race, ancestry, religion, natural origin, age, disability, medical condition, marital, veteran, or citizenship status to the extent such conduct violates federal or

state law. Harassment includes conduct that denigrates or shows hostility or aversion towards an individual because of his/her protected status or that of his/her relatives, friends, or associates.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when any one of the three criteria is met:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment

EMPLOYEE RESPONSIBILITIES

Chief of Police

The Chief of Police shall make every reasonable effort to maintain a working environment free of unlawful harassment as defined above.

Assistant City Attorney

The Assistant City Attorney shall advise the Chief of Police and Command Staff on the legal aspects of unlawful harassment. The Assistant City Attorney shall periodically confer with the training coordinator in the preparation of, or conduct training for the Greenville Police Department on harassment issues and policies. Such training shall occur no less than once per accreditation cycle to update personnel on changes in the law and policies surrounding harassment. The Assistant City Attorney shall assist in the development of harassment policies and guidelines. The Assistant City Attorney will also assist in the review of alleged harassment complaints or conduct within the Department and advise the Chief and appropriate Commanders and Supervisors on the legal consequences of various courses of action.

Internal Affairs

The Internal Affairs Unit shall investigate allegations of harassment and report the findings of such investigations to the Chief, the Assistant City Attorney, and appropriate Commanders and Supervisors for necessary review or action. The Internal Affairs Unit shall receive, document, and investigate all complaints of harassment. If an investigation reveals potential criminal charges are applicable, the Internal Affairs Investigator shall inform the Chief of Police immediately.

Training Coordinator

The Training Coordinator shall, in coordination with the Assistant City Attorney, develop educational and preventive programs designed to prevent harassment within the Greenville Police Department.

All Employees of the Greenville Police Department

All employees shall immediately report all incidents of suspected harassment through appropriate channels. Employees do not have to report alleged harassment by a supervisor to that supervisor, but shall report such allegations by other available means to appropriate personnel. All employees shall refrain from sexual harassment of other employees or persons.

Complaint Procedure

It is the responsibility of any employee who believes he or she has been the subject of harassment to report the alleged act immediately to his or her supervisor, Unit, Division or Bureau Commander, the Chief, Internal Affairs Unit, the Assistant City Attorney, or Human Resource Director. If an employee observes another employee being subjected to unlawful harassment, the observing employee has a responsibility to report such observations. The Greenville Police Department and the City of Greenville have an established procedure for employees to report allegations of unlawful harassment. Such procedures must be followed by any employee who suspects they have been the subject of unlawful harassment.

If a complaint involves a Shift or Unit Commander or other supervisor within the complainant's chain of command, the complaint should be filed directly with the Internal Affairs Unit, Division, or Bureau Commander, the Chief, or the City Human Resource Director. Any complaints alleging unlawful harassment by the Chief of Police should be filed directly with the City Manager, Assistant City Manager or the City Human Resource Director.

All complaints will be handled in a timely and confidential manner. Under no circumstances, shall information concerning a complaint be released by the Department to third parties or to anyone within the Greenville Police Department who is not involved with the investigation or who does not have an official need to know. As prescribed in N.C.G.S. 160A-168, nor shall anyone involved be permitted to discuss the subject outside the investigation. The purpose of this provision is to protect the confidentiality of the employee filing a complaint, to encourage the reporting of any incidents of unlawful harassment, and to protect the reputation of any employee wrongfully charged with unlawful harassment.

All complaints of harassment shall be fully investigated and shall be assigned an Internal Affairs case number. Unlawful harassment complaints require prompt action and documentation of such complaints by the employee receiving the complaint and an investigation shall be completed without unnecessary delay. Complaints alleging harassing conduct, which may involve criminal conduct, shall be referred to the Chief immediately, who shall decide whether to initiate an appropriate criminal investigation parallel to any internal administrative investigation.

The Internal Affairs Unit shall maintain records of all alleged acts of harassment and sexual harassment reported by complainants or identified by supervisors for a period of time in accordance with state records guidelines. Multiple substantiated or previous alleged incidents of harassment will be considered in assessing disciplinary action subsequent substantiated acts of harassment.

Any complaint alleging sexual assault, forced fondling, unwanted physical contact, rape, or indecent exposure shall be forwarded immediately to the Internal Affairs Unit for investigation, as well as referral to the Chief for criminal investigation as discussed above.

Harassment by a supervisor or retaliation for reporting alleged harassment shall also be forwarded immediately to the Internal Affairs Unit for investigation.

Responding to Complaints

All personnel receiving a complaint of unlawful harassment are held accountable for the effective administration of this policy. Sensitive handling of a harassment complaint is essential. The disciplinary action taken with respect to each violation of this policy will be determined by the seriousness of the particular offense and in accordance with Chapter 26 of the Greenville Police Department's Policy and Procedures Manual. The following guidelines shall apply when handling actual or alleged harassment situations:

- DO NOT assume the victim asked for the behavior directed toward them
- DO NOT tell the victim to ignore the behavior
- DO NOT tell the victim to try to embarrass or outwit the harasser or harass them back
- DO NOT treat the complaint as insignificant or minor
- DO treat sexual harassment complaints as serious employee misconduct
- DO KEEP the victim informed of the status of the investigation.
- TAKE other appropriate steps as defined by this policy to address the alleged conduct

Preventive Measures

Employees shall keep their work areas free of sexually and other offensive photographs, cartoons, inappropriate, or other offensive items. Such items may be possessed as part of official investigations or as evidence but shall not be displayed in the office or work environment. Such items may be used when necessary for officially sanctioned training in areas such as rape investigation, sexual abuse, pornography investigations, death investigation, sexual harassment and other appropriate topics, but only with advanced approval from the Chief of Police.

Anyone who violates this policy will be subject to disciplinary action, up to and including, dismissal. It is the policy of the Greenville Police Department that harassment or sexual harassment, if it exists within the Department, will be curtailed and potentially eliminated by handling it at the lowest level possible. All employees must take immediate action when becoming aware of a situation involving harassment. While the reporting of harassment allegations is encouraged and required, false accusations will be subject to disciplinary action. Unlawful harassment of any kind or retaliation for reporting unlawful harassment are serious matters and will not be tolerated in the Greenville Police Department.

26.1.4 DISCIPLINARY SYSTEM

CALEA Standard: 26.1.4 (Disciplinary System)

The first line supervisor is responsible for detecting violations of the Code of Conduct and initiating the investigative process. Supervisors who identify instances of negative behavior shall have the authority to exercise disciplinary actions to include:

- Referral of the instance to the Internal Affairs Unit for further assignment and/or further investigation.
- Emergency suspension and referral to the Internal Affairs Unit, when negative behavior is so serious that continued immediate service is detrimental to the best interest of the Department. The supervisor shall immediately inform the appropriate Bureau Commander when emergency suspension is imposed.

Disciplinary actions, written reprimands, or an agreement to a non-investigative matter may be initiated against an employee. The supervisor conducting the investigation will adhere to the following procedures:

- The supervisor will advise the employee of the policy or procedure the employee is alleged to have violated
- The supervisor will inform the employee of the evidence concerning the violation
- The supervisor will allow the employee an opportunity to comment on the alleged violation
- The supervisor will counsel the employee about what specific behavior is acceptable in the future and under similar circumstances
- If applicable, the supervisor will inform the employee of the employee's right to file a grievance, in accordance with City Personnel Policies, when disciplinary action results in demotion, suspension or termination.

The Chief of Police has the discretion to terminate or demote employees when circumstances not meeting the criteria of the Code of Conduct occur and the employee otherwise fails to meet the conditions of employment for the position. Such examples are:

- An employee's failure to maintain valid licenses or other qualifications necessary to perform the job
- An employee's inability to perform the work required
- An employee's unsatisfactory job performance

These actions are not considered violations of the Code of Conduct, do not fall under the rules for disciplinary conduct, and are not considered punitive for the purposes of this policy.

If an officer is arrested or charged criminally by any agency, the officer in accordance with Greenville Police Department Policy and Procedure, 26.1.2, Class III, # 11 is required to immediately notify their supervisor of the arrest. Once the supervisor has been notified, the supervisor shall immediately notify the Bureau Commander who will notify the Chief of Police. North Carolina 12 NCAC 09B .0101 (8) requires the agency's executive officer or designee to notify the North Carolina Criminal Justice Education and Training Standards Commission of all criminal offenses for which an officer was arrested or charged with, pleads no contest to, pleads guilty, or is found guilty of. This includes all criminal offenses except minor traffic offenses and shall specifically include any offense of Driving under the Influence or Driving While Impaired.

The executive officer or designee must make the notification in writing and ensure the Standards Commission receives the notice within thirty (30) days from the date the case was disposed of in court. Notification must

include the specific nature of the offense, the court in which the case was handled, the date of arrest or criminal charge, the final disposition, and the date thereof.

26.1.5 SUPERVISOR AUTHORITY

CALEA Standard: 26.1.5 (Role and Authority of Supervisors)

First-line supervisors are responsible for directing personnel toward the goals and objectives of the Department and are accountable for detecting the instances of positive and negative behavior of the employees under their supervision. First-line supervisors participate in the disciplinary system by:

- Recognizing and documenting instances of exemplary or unacceptable behavior
- Identifying training needs as a function of the disciplinary process
- Utilizing training as a means of improving employee productivity and effectiveness
- Implementing commendatory or disciplinary actions
- Investigating allegations of employee misconduct when within the scope of their authority and responsibility, and in conjunction with the Internal Affairs Unit as outlined the Greenville Police Department's Policy and Procedures Manual
- Counseling employees to improve job performance

The Chief of Police is responsible for reviewing completed internal investigations, sustaining or reducing the actions, and imposing the forms of discipline in accordance with the standards outlined in the Code of Conduct.

26.1.6 APPEAL PROCEDURES

CALEA Standard: 26.1.6 (Appeal Procedures)

Article XII of the City of Greenville Personnel Policies describes the City grievance procedures relative to disciplinary suspension without pay, demotion or termination.

26.1.7 TERMINATION PROCEDURES

CALEA Standard: 26.1.7 (Termination Procedures)

If an investigation of employee misconduct results in the termination of an employee, the Department shall provide the employee with a written statement to include at a minimum:

- The reason for termination
- The effective date of termination
- A statement of the status of accrued employee benefits after termination.

Section 26.1.6 shall not apply to probationary employees.

Statement of Conclusion of Fact

When a disciplinary investigation has been completed, the supervisor or Internal Affairs Officer conducting the investigation shall be responsible for issuing a written statement about the investigation that contains the conclusion of facts for each allegation. The conclusion of facts shall address, at a minimum, the following issues:

- Proper Conduct
- Improper Conduct
- Policy Review
- Insufficient Evidence
- Unfounded Complaint

The supervisor will distribute copies of the conclusion of facts to the employee who was the subject of the investigation and to the appropriate Bureau Commander.

26.1.8 RECORDS MAINTENANCE PROCEDURES

CALEA Standard: 26.1.8 (Records)

Records of disciplinary actions shall be kept in accordance with the procedures for Internal Affairs records management as required by the North Carolina Records Retention Act and City of Greenville Personnel Policies. Supervisors who document counseling or oral reprimands for use on a performance evaluation and keep the documentation in the unit file should maintain the documentation no longer than 18 months, in accordance with City of Greenville Personnel Policies.

26.2 Internal Investigations Organizational Integrity

The purpose of this policy is to establish procedures pertaining to the handling of complaints against employees. The Internal Affairs Unit within the Greenville Police Department is essential for the maintenance of professional police conduct and the overall integrity of the agency. A system has been developed to review and investigate citizen complaints and allegations of misconduct by department employees and to take remedial or disciplinary action if needed. This policy is also designed to establish and maintain a level of confidence for the citizens of Greenville, to protect the integrity and rights of department employees, and to protect the public from police misconduct.

It shall be the policy of the Police Department to investigate all complaints against the agency and its employees. The Internal Affairs Unit shall be responsible for the management of all allegations of misconduct to ensure they are investigated thoroughly, expeditiously, and impartially and for the secure maintenance of all records regarding citizens' complaints against Department employees.

26.2.1 COMPLAINT INVESTIGATION

CALEA Standard: 26.2.1 (Complaint Investigation), 26.2.3 (CEO Direct Accessibility)

Receiving Complaints

Complaints made or received against the Greenville Police Department or its employees, including anonymous complaints, shall be investigated. All articulated complaints will be reproduced in written form by on-duty supervisory personnel or by the Office of Internal Affairs. Regardless of who is making a complaint, the following are acceptable manners in which a complaint may be made:

- In person
- Telephone
- Written correspondence, either signed or anonymous
- Electronic correspondence
- Through supervisory personnel
- By or through the Office of the City Manager

Any supervisor who receives a complaint against an employee *or* observes what they believe to be an inappropriate action, incident of poor job performance, or violation of policy, should first determine whether the complaint is a minor enough concern or violation of policy to be handled at the first-line supervisor/shift level or requires a formal investigation. If the complaint meets the criteria necessary for a NIM disposition and can be addressed by the first-line supervisor, then the employee's supervisor shall follow the NIM process as outlined in policy.

Other more serious complaints, such as those listed in Class IV, or V, are those that may require a more formal investigation. If a more serious complaint is received between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, the complainant shall be referred to the Office of Internal Affairs. If a more serious complaint is received outside of normal business hours, then the complainant shall be directed to the on-duty supervisor. If

an on-duty supervisor is not immediately available, then the complainant will be advised a supervisor is not available at that moment. Their contact information shall be obtained and the complainant will be advised that an on-duty supervisor will contact them as soon as possible.

The complainant's contact information shall without delay, be forwarded to the on-duty supervisor by the employee who obtained the information. All complaints received by an on-duty supervisor that do not appear to require a formal Internal Affairs investigation, shall be forwarded to the involved employee(s) immediate supervisor or appropriate Bureau Commander.

Processing Complaints

Class I, II and III Investigations and Non-Investigative Matters shall normally be forwarded to the appropriate Bureau Commander by the Office of Internal Affairs for assignment.

Bureau Commander Responsibilities

When a Bureau Commander receives a citizen complaint from the Office of Internal Affairs, they shall assign the complaint to a supervisor for investigation. Upon completion of the investigation, the supervisor will review the investigation and provide input as needed before returning it to the Office of Internal Affairs for review. The Office of Internal Affairs will forward the investigation to members of the Command Staff for review.

Investigating Supervisor's Responsibilities

For all parties involved in the complaint, supervisors are responsible for conducting interviews and thoroughly documenting all information in the investigation. Dates and times of interviews or attempts at contact with individuals should be documented in the case file.

If during the course of an investigation, the assigned complaint is found to be more in-depth and more serious than originally believed, then the supervisor shall document the information and return it to the Office of Internal Affairs for completion of the investigation.

Supervisors who are assigned to investigate an allegation of misconduct shall take the investigation to its conclusion, including a full documentation of the investigation.

First line supervisors may initiate the following actions upon employees under their control:

- Non-punitive action (Note to File, Counseling, Additional Training, etc.)
- Recommendation for Punitive Discipline
- Recommendation for Remedial Training
- Recommendation for Continued Probationary Status

Internal Affairs Staffing and Responsibilities

The Office of Internal Affairs is assigned to the Office of the Chief of Police and has the authority to report directly to the Chief of Police for all matters. Officers assigned to the Office of Internal Affairs report directly to the Chief of Police to relay information and discuss matters related to an Internal Affairs investigations or similar sensitive issues. Supervisors assigned to conduct internal affairs investigations may report to the Chief of Police through the Internal Affairs Office.

The Office of Internal Affairs shall be made aware of all investigations against employees. However, unless specifically assigned to handle the actual investigation of the complaint, Internal Affairs officers will only review the final investigative report and related paperwork for thoroughness. All documentation will be maintained in the Internal Affairs files upon final disposition by the Chief of Police. At the discretion of the Internal Affairs Office, and with approval by the Chief of Police, Internal Affairs officers may take over or direct any investigation involving an employee of the Police Department. If a complaint is reported directly to the Internal Affairs Office by a complainant, the Internal Affairs supervisor will determine whether the complaint is a minor enough concern or violation of policy to be handled informally at the first-line supervisor/shift level, as a NIM and

forwarded to the appropriate Bureau Commander for assignment, or that a complaint requires a formal investigation. If a formal investigation is required, then a Complaint Inquiry will be completed and the Internal Affairs Supervisor shall:

- Assign a Complaint Number and record the information in the Internal Affairs Trak Database.
- Forward a copy of the Complaint Inquiry to the appropriate Bureau Commander for assignment *or* determine that the complaint falls under the guidelines that require investigation by the Office of Internal Affairs and forward a copy of the Complaint Form to the appropriate Bureau Commander to notify them that an Internal Affairs Investigation is being conducted.
- Send written notice to the complainant acknowledging the Department's receipt of the complaint.
- Send written notice to the affected employee(s) informing them of the alleged violation and the employee's rights and responsibilities relative to the investigation.

26.2.2 RECORDS, MAINTENANCE AND SECURITY

CALEA Standard: 26.2.2 (Records, Maintenance and Security)

Confidentiality

The Office of Internal Affairs shall maintain records of all complaints made against the Department or its employees as well as all records pertaining to Internal Affairs investigations. All records shall be stored in the Office of Internal Affairs, or other approved storage location, in a secure file, separate from general files and centralized records systems.

All internal investigations and all supporting materials are considered part of an employee's personnel file. Therefore, all information pertaining to an internal investigation is confidential and North Carolina General Statute 160A-168 governs disclosure. It is the policy of the Greenville Police Department to preserve the confidentiality and security of the information, protect the complainant that utilizes this process, and the rights of the individual accused regardless of the findings.

An employee's name, the investigation findings and discipline action taken will be released upon request to the complainant in all investigations involving suspensions, demotions, or terminations as authorized by North Carolina General Statute 160A-168. However, disclosure of statistical information on the processing of all complaints to include the number, type, and outcome of internal affairs investigations is in the best public interest and is not prohibited by the policy of confidentiality.

Records Documentation

The Office of Internal Affairs shall maintain all documentation involving an internal investigation. Documentation shall include the date, time, and location of the incident. A copy of formal disciplinary action generated by the Office of Internal Affairs may be forwarded to the City Manager for review and may be placed in the employee's personnel file in the City of Greenville Human Resources Department. Except for copies of records placed in the Human Resources Department personnel files, all related documentation shall be maintained only in the Office of Internal Affairs in a secure file. Such records will be accessible to the Chief of Police, Internal Affairs personnel, and the employee as provided in North Carolina General Statute 160A-168. Incidents documented in this manner shall include:

- Written reprimands
- Mandatory transfer
- Suspension
- Demotion
- Termination
- Resignation

Internal Affairs records shall include the following official Greenville Police Department documents:

- Rights/Responsibilities of Employees
- Written Notification to Complainant – Confirming Receipt of Complaint

- Written Notification to Employee – Advising Receipt of a Complaint to Include Type of Complaint
- Written Notification to Bureau Commander – Notification of Receipt of Complaint
- Written Notification to Complainant – Notification of Completion of Investigation
- Written Notification to Employee – Notification of Completion of Investigation
- Complaint Investigation Signature Sheets
- Completed Investigations
- Internal Affairs Notification of Complaint Form (For Summarizing a Complaint)
- Contact Log/Case Log
- Non-Investigative Matter Agreement (if applicable)

Purging of Records

Unfounded, not sustained, and exonerated Internal Affairs complaints will be retained in an active Internal Affairs file for three (3) years after the close of the investigation. Sustained complaints will be retained in an active file five (5) years after the employee leaves employment with the City. All records shall be retained in an archive file for (30) thirty years in accordance with the North Carolina Records Retention Schedule.

26.2.4 COMPLAINT/COMMENDATION REGISTERING PROCEDURES

CALEA Standard: 26.2.4 (Complainant/Commendation Procedures)

The Greenville Police Department will make available to citizens a printed public information pamphlet, *Guidelines for Registering Compliments and Complaints* that outlines procedures and provides information on registering compliments or complaints with the Department. Procedures for registering complaints against the agency or its members are also available through the Office of the Chief of Police. Information for the process of commending an officer and filing a complaint is also available on the City's website.

26.2.5 ANNUAL STATISTICAL SUMMARIES

CALEA Standard: 26.2.5 (Annual Statistical Summaries; Public Availability), 11.4.1 (Administrative Reporting Program)

In March of each year, the Office of Internal Affairs shall complete an annual statistical summary based on records of Internal Affairs Investigations for submission to the Chief of Police. This summary shall be made available to the public and Department.

26.3 Complaint Procedures

26.3.1 COMPLAINT TYPES

CALEA Standard: 26.3.1 (Complaint Types)

The goal of the Office of Internal Affairs is to ensure that the integrity of the Greenville Police Department is maintained through a system of internal discipline where objectivity, fairness, and justice are assured by intensive and impartial investigations and reviews. Furthermore, the Office of Internal Affairs can assist with the public perception of police practices and help identify areas in need of policy review. For the purposes of this directive, the following definitions shall apply:

Misconduct: Any wrongful action by an employee, intentionally or unintentionally, that results from erroneous judgment or a disregard for established policies and procedures.

Citizen Complaint: An allegation by any individual that a Department employee has misused authority, acted illegally or unethically, or violated City or Department policy.

Statutory Authority: All disciplinary actions taken under this policy are subject to, and must be administered in accordance with, the City of Greenville Personnel Policy and Procedures for disciplinary action.

Investigative Classifications

All investigations of violations against the Department or its employees will be classified as one of the following:

- **Non-Investigative Matter (NIM)** – Certain minor violations of the Department’s policies and procedures do not require disciplinary action and therefore qualify for a non-disciplinary disposition. A non-disciplinary disposition is only available under limited circumstances as determined by the Office of Internal Affairs on a case-by-case basis. Any violation that is given a NIM disposition shall be maintained by the Office of Internal Affairs in a tracking system. Those matters resolved through the NIM process *shall not* result in a sustained complaint.
- **Internal Investigations** – A classification used to investigate various levels of misconduct. The investigation may include the submission of verbal or written statements from involved employees regarding an allegation, the review of existing records, and/or interviews of witnesses or complainants.
- **Class I, Class II and Class III** investigations are investigations conducted on minor allegations of misconduct. These involve violations of Class I, Class II and Class III rules in the Code of Conduct. These investigations can be conducted by the employee’s immediate supervisor, another non-affiliated supervisor, or the Office of Internal Affairs.
- **Class IV and Class V** – Investigations involving more serious allegations of misconduct that generally require that the investigation be conducted by the Office of Internal Affairs or as directed by the Chief of Police. These involve violations of Class IV and V rules in the Code of Conduct. Regardless of the Classification in the Code of Conduct, the following categories of complaints shall be investigated by the Office of Internal Affairs:
 - Allegations of corruption or criminal activity
 - Allegations of harassment of any kind
 - Allegations of biased policing
 - Excessive force
 - Firearms discharge (in accordance with the Firearms Discharge Investigative Review Team)
 - Allegations of internal theft
 - Any other investigation as directed by the Chief of Police

Authority of the Chief of Police

Final Departmental disciplinary authority and responsibility rests with the Chief of Police. Appeal beyond the Chief of Police is governed by the City of Greenville.

Authority of Bureau Commanders

Bureau Commanders are hereby delegated the authority to initiate administrative investigations of employees. Bureau Commanders are also delegated authority to impose disciplinary action, if such action is ratified by the Chief of Police prior to imposition. Any disciplinary action imposed by a Bureau Commander may be appealed to the Chief of Police prior to ratification of the action by the Chief of Police.

Authority of Supervisory Personnel

Division/Watch Commanders may initiate an administrative investigation against any employee when they have either observed a violation of policy or have received a complaint alleging a violation of policy.

Authority to Impose Emergency Suspension

All Departmental supervisors shall have the authority to impose emergency suspension (relief from duty) on any subordinate. An emergency suspension is justified any time it appears that an employee’s continued presence on the job is a substantial and immediate threat to the welfare of the Department or the public, or, whenever the employee refused to obey a direct order issued in accordance with the law or Departmental policies. The

supervisor initiating this action shall make an immediate notification to the appropriate Bureau Commander and prepare a written memorandum outlining the relevant facts that led to the emergency suspension.

In such situations, the relieved employee and the supervisor who imposed the emergency suspension and the suspended employee's Bureau Commander shall report to the Office of the Chief on the following business day at 8:00 a.m., unless otherwise directed by the Chief of Police.

Under the ordinances of the City of Greenville, Section 5-1-2, the Chief of Police shall have power to suspend any employee of the Department for a period of thirty (30) days, whenever necessary as determined by the Chief of Police. Upon suspending an employee, the Chief shall immediately report this action to the City Manager.

Authority to Allow Informal Guidance

Nothing contained in this Policy shall prohibit the giving of informal guidance to any employee by a supervisor regarding minor infractions of Departmental policy or procedures which do not result in formal disciplinary action being taken. In fact, supervisors are *encouraged* to handle minor concerns or performance issues at the first line supervisor level when deemed appropriate. Counseling and notes to a shift/unit level file would be appropriate manners of handling minor violations of policy or observed behavior that could be appropriately addressed at this level. Repeated violations may require a more formal action.

Non-Investigative Matter (NIM)

The Department realizes that discipline is a top stress factor among police officers and is committed to implementing a discipline system that utilizes innovative options to correct deficient behavior at the lowest level possible. The Non-Investigative Matter (NIM) allows certain minor violations to be addressed without resulting in disciplinary action against the employee.

All matters ruled NIM eligible will be tracked separately from internal affairs investigations by the Office of Internal Affairs. Any supervisor may initiate a Non-Investigative Matter (NIM) based on personal observation or knowledge, or information obtained from a citizen or department employee.

The NIM process can quickly address and correct certain minor violations of department policies in lieu of handling the matter through the formal Internal Affairs process, which is designed to handle more serious departmental violations. All supervisors have the authority to offer a NIM disposition to an employee after they have confirmed through the Office of Internal Affairs that the employee is eligible to receive a NIM disposition.

Minor Violations of Departmental policy that are approved for a NIM disposition are:

- Missing either off-duty or extra-duty assignments
- Minor police policy/procedure violations
- Certain attitude & demeanor complaints that do not involve allegations of bias policing
- Department Motor Vehicle Crashes, if the police vehicle strikes a parked, unoccupied vehicle or other object and damage is minimal with no injuries.
- The Office of Internal Affairs Investigator has the authority to consider other violations for NIM eligibility on a case-by-case basis.

Eligibility

Employees may be eligible for a NIM disposition if there is no previous pattern of the same type of misconduct that resulted in a NIM or sustained complaint within the previous (24) twenty-four months. Supervisors reserve the right to not offer a NIM disposition based on unit-level concerns.

Supervisor Responsibilities

Supervisors of employees that have committed violations that are NIM eligible will, as soon as practical, but within three calendar days, contact the Office of Internal Affairs to determine whether or not the employee is

eligible for a NIM disposition. If the employee is eligible for a NIM disposition, the supervisor will contact their Bureau Commander to determine whether a NIM will be offered or a formal investigation will be initiated. The Bureau Commander has the authority to determine how to proceed.

Responsibilities of the investigating supervisor include the following:

- Supervisors shall advise the appropriate Bureau Commander of the initiation of any Non- Investigative Matter (NIM).
- Supervisors should make every effort to contact employees while they are on duty for the investigation of Non-Investigative Matter (NIM).
- When information obtained during a Non-Investigative Matter (NIM) rises beyond the scope authorized for a Non-Investigative Matter (NIM), the Office of Internal Affairs will be notified for appropriate assignment and processing.
- All completed Non-Investigative Matters (NIMS) will be forwarded to the appropriate Bureau Commander for review prior to notifying the affected employee of findings and/or disciplinary action.

If the decision to offer a NIM disposition is made, the investigating supervisor will meet with the employee and discuss the NIM process as an option. If the employee agrees to the NIM process and acknowledges the violation, then a shift/unit level non-disciplinary sanction must also be agreed upon. Employees will have five working days from the date of notification to proceed with the NIM process or prefer a formal investigation. Once an agreement is reached, the investigating supervisor will complete a NIM agreement and forward it through the chain of command to the Office of Internal Affairs. This NIM agreement does not result in a sustained complaint.

Bureau Commander Responsibilities

Upon completion of complaints that are NIM eligible, Bureau Commanders will forward the NIM Agreement form and any supporting documentation such as vehicle crash investigations, copies of counseling memorandums and/or other documentation of agreed upon sanctions, to the Office of Internal Affairs. The data from the complaint will be entered and maintained by the Office of Internal Affairs tracking system. NIM cases are considered in the activation of the Personnel Early Warning System in accordance with the Greenville Police Department's Policies and Procedures.

Bureau Commanders have ten calendar days from the date of receipt to forward the completed NIM packet to the Office of Internal Affairs.

Office of Internal Affairs Responsibilities

The Office of Internal Affairs will be responsible for determining NIM eligibility of employees by reviewing the Internal Affairs Case Management Log. Once eligibility is determined, the information will be promptly forwarded to the appropriate supervisor.

The Office of Internal Affairs will review all NIM packets and file them appropriately. Although no disciplinary action is required, the Office of Internal Affairs will forward all completed NIM investigations to the Chief of Police for review.

26.3.2 NOTIFICATION TO THE CHIEF OF POLICE

CALEA Standard: 26.3.2 (CEO Notification)

The Office of Internal Affairs completes an annual statistical summary of complaints based on the records from Internal Affairs investigations for submission to the Chief of Police. The Internal Affairs supervisor routinely provides updates to Chief of Police on complaints received, status of investigations, and other information regarding the Internal Affairs function.

The Office of Internal Affairs will immediately notify the Chief of Police of serious complaints or a pattern of complaints against the Department or its employees. Examples of such complaints include sexual harassment,

excessive use of force, use of deadly force, and/or the arrest of a Department employee. Additionally, the Chief of Police shall be notified as soon as practical of all investigations that have the potential to result in civil action against an employee or the City. Such investigations shall include, but are not limited to, violations of civil rights (USC 1983 claims) such as use of excessive force, false arrests, incidents resulting in significant injury of an officer or civilian, and complaints by a subordinate police officer against a superior. The Chief of Police may request contact be made with the Assistant City Attorney for direction on which course to follow or for any additional assistance, as needed, throughout the investigation.

The Chief of Police or Assistant City Attorney shall maintain liaison with the District Attorney's Office for investigations that involve alleged criminal conduct on the part of any employee. Actual criminal investigations will be coordinated by the Criminal Investigations Bureau Commander or a designee and will afford the Department an opportunity to obtain legal advice and assistance with case preparation.

26.3.3 INVESTIGATION TIME LIMITS

CALEA Standard: 26.3.3 (Investigation Time Limits)

All investigations that are not a NIM must be completed within (60) sixty days from the beginning of the investigation. If the investigation cannot be completed within (60) sixty days, an extension may be requested. Requests for extensions must be made prior to the (60) sixty-day deadline and submitted in writing to the appropriate Bureau Commander. The request should include the reason for the extension request. The Chief of Police may grant extensions when extenuating circumstances are present. If an extension is granted, the assigned investigator must notify the complainant of the extension and provide an approximate time period as to when they expect the investigation to be completed.

The Office of Internal Affairs will keep the Chief of Police, complainant, and officer advised of the status of Investigations. All investigations must be completed as soon as possible. Supervisors upon completing an investigation, shall include all necessary documentation when concluding the report, and then classify the disposition into one of the following five categories:

- **NOT INVOLVED** – The employee was not present at the time the alleged misconduct occurred or had no direct knowledge or involvement.
- **UNFOUNDED**- The investigation indicates that the alleged act(s) or omission(s) complained of did not occur or did not involve police personnel.
- **NOT SUSTAINED** – The investigation indicates there was insufficient evidence either to prove or disprove the allegation(s).
- **EXONERATED** – The investigation indicates that the act(s) or omission(s) did occur, but were justified, lawful and proper.
- **SUSTAINED** – The investigation disclosed sufficient evidence to prove the allegation(s) clearly.
- **POLICY REVIEW** – The Department's written policy or procedure may not properly address the allegation or action that led to the alleged conduct and the investigation reveals that a policy or procedural change may be necessary.
- **FALSE ALLEGATION** – The alleged act(s) or omission were proven to have been false or never occurred.

The Chief of Police may, after review of the investigation, reclassify the recommended disposition and then take action as outlined in this policy. Disciplinary actions will be in accordance with the Greenville Police Department Policy and Procedures Manual, Section 26.1.2, "Code of Conduct." Investigations determined as "False Allegation" will be properly investigated and documented, however, will not be included in the accused employee's individual IA record.

26.3.4 INFORMING COMPLAINANT

CALEA Standard: 26.3.4 (Informing Complainant)

Notifications to Citizens

Persons who initiate complaints that are investigated above shift-level shall receive written acknowledgment of their complaint from the Office of Internal Affairs or a designee. The written acknowledgment shall notify the complainant that the complaint will be investigated under the management of the Office of Internal Affairs, shall provide the complaint number, and shall inform the complainant that he/she will be notified when the investigation is completed.

Information concerning the status of the investigation shall be available to the complainant. Contact with the complainant shall be made periodically during the investigation at the discretion of the Office of Internal Affairs, at the request of the complainant, and at the conclusion of the investigation. Contact may be made by telephone and/or by written notification. All contacts, whether written or by telephone, shall be documented in the Internal Affairs Investigation file. Specific information disclosed to the complainant shall be determined by the Chief of Police and shall be in accordance with NC G.S. 160A-168. The Office of Internal Affairs shall determine the frequency of contact with the complainant after considering factors and time elements particular to an on-going investigation.

26.3.5 STATEMENT OF ALLEGATIONS/RIGHTS

CALEA Standard: 26.3.5 (Statement of Allegations/Rights)

Employee Notification and Rights

When an employee becomes the subject of an Internal Affairs Investigation, relative to a complaint, the employee will be issued a written statement of the allegations and an explanation of the employee's rights and responsibilities relative to the investigation. Written notification will come from the Office of Internal Affairs or a designee.

26.3.6 INSTRUMENTS OF DETECTION

CALEA Standard: 26.3.6 (Submission to Tests, Procedures)

Investigative Tools

The Chief of Police may require an employee to submit to any diagnostics tests or disclosures, including but not limited to those contained in this directive, when the test or disclosure is specifically directed and narrowly related to an Internal Affairs Investigation regarding the employee. Disclosure of financial information may be required of an employee under investigation if such information becomes material to the investigation. Failure to follow a direct order of this nature may result in a separate disciplinary action against the employee up to and including dismissal from the Department.

Departmental Questioning

An employee may be compelled to answer questions that are related to his/her duties, fitness for duty, or that concern the subject matter of the Administrative or Internal Affairs Investigation. Failure to answer such questions may be the basis for disciplinary action and may result in dismissal from the Department. The answers given during the investigation of an administrative matter will not be used against the employee in any criminal proceeding. The answers given do not constitute a waiver of the privilege against self-incrimination as in criminal matters. During an Administrative Investigation, legal representation for the employee will not be permitted to be present. However, the City of Greenville Assistant City Attorney shall be permitted to be present when requested by the Chief of Police or designee.

The interview of an employee for purposes of an internal investigation shall be conducted at a reasonable hour, preferably at a time when the employee is on duty, unless the seriousness of the allegation requires immediate

action. Whenever possible, every attempt will be made to notify the supervisor of the employee who is to be interviewed. The employee being interviewed shall be asked questions by and through no more than two investigators.

The interview session shall be for a reasonable period of time, depending upon the seriousness of the investigation. Unless the Chief of Police or designee directs otherwise, a period of (2) two hours shall be the maximum time for any one session of interview. When requested, time shall be provided for personal necessities.

Medical, Laboratory, or Chemical Tests

A commanding officer, based on his/her observation, may require a Department employee to submit to a test for alcohol or drug use while on duty. The results may be used in a disciplinary hearing. Refusal to submit to the examination will be grounds for disciplinary action and may result in the employee's dismissal.

If the employee is believed to be under the influence of alcohol, a certified chemical analyst will administer the test. The commanding officer will witness the test and will be required to sign the report. If the employee has a reading of .01 or higher or there is other competent evidence of impaired abilities to perform their duties, the employee shall be relieved of duty immediately and a report made to the Chief of Police by the commanding officer.

If the employee is believed to be under the influence of self-administered drugs, the employee may be compelled to submit to a blood and/or urine test. The test shall be administered according to the guidelines set forth in the City of Greenville Drug Policy. The sample will be handled using the same safeguards as evidence in a criminal proceeding. If the test shows positive results, or there is other competent evidence of impaired abilities to perform duties, the police employee shall be immediately relieved of duties and a report made to the Chief of Police by the commanding officer.

If an employee refuses to submit to a test, (alcohol or drugs), then the commanding officer will immediately relieve the employee from duty for failure to cooperate in an Administrative Investigation and a report must be forwarded to the Chief of Police.

Non-Testimonial Identification

The investigation may include the use of any combination of the following investigative aids when the information obtainable from the aid(s) may be material to a particular Internal Affairs Investigation.

- Fingerprints, palm prints, footprints
- Hair, blood, breath, urine samples
- Handwriting exemplars
- Voice exemplars
- Photographs,
- Audio or video recordings
- Line-up
- Polygraph
- Other non-testimonial identification

Polygraph Examination

The Greenville Police Department may utilize a polygraph examination during the course of an Internal Investigation at the direction of the Chief of Police. Polygraph examinations may be administered in-house or through another agency by certified personnel.

26.3.7 RELIEVED FROM DUTY

CALEA Standard: 26.3.7 (Relieved from Duty)

Under the ordinances of the City of Greenville, Section 5-1-2, the Chief of Police “shall have power to suspend any employee of the Department for a period of (30) thirty days, whenever necessary as determined by the Chief of Police. Upon suspending such employee, the action shall be immediately reported to the City Manager in writing, stating the reasons for suspension.”

During an internal investigation, an employee may be relieved from duty due to physical and/or psychological unfitness for duty, an action pending disposition of an Internal Affairs Investigation or whenever it would be in the public interest not to have the employee on active duty. Any supervisor has the authority and the responsibility to immediately relieve a subordinate employee from duty due to physical and/or psychological unfitness for duty when the employee is obviously not fit for duty. The employee who was suspended and the supervisor imposing the emergency suspension shall report to the Office of the Chief of Police at the start of the next business day (8:00 AM), unless the circumstances require a different course of action.

The supervisor initiating this action shall make an immediate notification to the appropriate Bureau Commander and prepare a written memorandum outlining the relevant facts that led to the emergency suspension. The written memorandum shall be completed and forwarded to the appropriate Bureau Commander before the supervisor leaves the station at the end of the shift on the day of the incident.

26.3.8 STATEMENT OF CONCLUSION OF FACT

CALEA Standard: 26.3.8 (Conclusion of Fact)

When an Internal Affairs Investigation has been completed, the Office of Internal Affairs or supervisor conducting the investigation shall be responsible for issuing a written statement about the investigation that contains the conclusion of facts for each allegation. The supervisor will forward the conclusion of facts through the Chain of Command to the Office of Internal Affairs who shall forward it to the Command Staff for review.

26.3.9 WHISTLEBLOWER PROTECTION

The Greenville Police Department Code of Ethics for civilian and sworn employees, code of conduct, as well as departmental and city policies require that all employees observe high standards and personal ethics while completing their duties and responsibilities. Inasmuch, the police department must protect itself from fraudulent, illegal and dishonest activity by maintaining effective internal controls.

The Greenville Police Department encourages all employees, acting in good faith, to report suspected or actual wrongful conduct. No employee who in good faith reports any violation shall suffer harassment, retaliation or other adverse employment consequence as a result of their reporting activity of matters of public concern including testifying before legislative or judicial bodies.

Violations

Departmental employees are encouraged to report violations to their immediate supervisor, the Office of Internal Affairs, the Chief of Police or the Human Resources Department for the City of Greenville. Reports can be made in person, in writing or anonymously. All reporting will be of a confidential nature.

Wrongful Conduct

Evidence of any wrongdoing involving:

- A violation of State or Federal laws

- A violation of departmental or City policy
- Fraud
- Misappropriation of funds or resources
- Substantial and specific danger to public health or safety
- Gross mismanagement, gross waste of monies or gross abuse of authority.